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OLC 73-0379

23 March 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Senator Henry Jackson (D., Wash.) re
Church Subcommittee's Request for Appearance of Bill
Broe in Open Session

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1. This afternoon I called Senator Jackson and informed him of how Bill Broe had responded in writing to a series of questions submitted by the Church Subcommittee on Multinational Corporations on Agency [redacted] I also told Jackson of our receipt of Senator Church's subsequent letter of 23 March requesting Broe's appearance, under oath, in public session of the Subcommittee on 28 March. I explained our problems in responding to this request and asked Jackson's advice. His initial comment was that we should not appear, but when I pointed out the problems and the Subcommittee's subpoena authority, and read him excerpts from the Church letter, he said he felt we had no alternative but to permit Broe to appear. He recommended that in doing so Broe or someone accompanying him make an opening statement, for the record, in the name of the Director, explaining that the appearance represented an exception to the Agency's well-established policy of not appearing in open session, and that the exception was being made because of the unique circumstances in this particular case. Jackson also advised that Broe be armed with written instructions from the Director not to answer any questions outside the agreed framework- [redacted]

2. Jackson also felt it "essential" that the President, or at least Bob Haldeman, be informed of Broe's proposed appearance and give him an opportunity to register any objection. Jackson recommended strongly against approaching Special Counsel to the President John Dean on this matter.

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3. I asked Jackson whether there would be any use in either his going or my going to Senator Symington, a member of the Subcommittee, and asking if he could dissuade his colleague from insisting upon Broe's public appearance. Jackson thought this would be futile but said he would try to see Symington on the matter Monday. Jackson recommended that we inform Chairman McClellan of the situation on Monday.

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JOHN M. MAURY
Legislative Counsel

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